

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2021-117**

April 7, 2022

**VIA ELECTRONIC MAIL**

Ms. Karen Coles

RE: FOIA Appeal 2021-117

Dear Ms. Coles:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Code § 2-537 (“DC FOIA”), challenging the failure by the Office of the City Administrator (“OCA”) to respond to your FOIA request.

You submitted a DC FOIA request to OCA on February 12, 2021, seeking various documents. You filed an appeal with this Office on March 12, 2021, asserting that you did not receive a response to your request. On March 17, 2021, this Office notified OCA of your appeal and requested a response. In its response OCA explained that it was “still waiting to receive the results of the email search that we requested to assist in responding to your FOIA request.”

Based on the record before us, we conclude that OCA’s failure to timely respond to your request constitutes a constructive denial under the DC FOIA. D.C. Official Code § 2-532(e). Nevertheless, we will provide OCA an opportunity to complete the email search and respond to your request. We therefore remand this matter to OCA and direct it to disclose to you any non-exempt, responsive records, within 5 business days of the date of this decision. You may challenge OCA’s subsequent response by separate appeal to this Office.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia in the Superior Court of the District of Columbia in accordance with D.C. Code § 2-537.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Barry Kreiswirth, General Counsel and Senior Policy Advisor  
OCA (via email)